

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.21176 OF 2007

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DATED: 11-10-2007

BETWEEN

Enugula Narsa Goud,
S/o. Dharma Goud,
Occ: Business,
R/o. Nandipet Village & Mandal,
Nizamabad District.

...PETITIONER

AND

District Collector,
Nizamabad District,
and another.

...RESPONDENTS

ORDER:

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Petitioner submits that one Ms. Goppu Chinnubai, W/o. Moulaji having purchased an open plot of an extent of 200 sq. yards measuring 30' x 40' in Sy.No.630 situated at Nandipet Village and Mandal, Nizamabad District, constructed a house therein and the Gram Panchayat, Nandipet assigned house No.34/2006. Thereafter he took the said house on lease from its owner for the purpose of running a hotel. While so, the Mandal Revenue Officer, Nandipet Mandal started interfering with the hotel business carried on by him.

2. Petitioner further submits that no orders have been passed either under the Andhra Pradesh Land Encroachment Act, 1905 or under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 either

against the owner of the said house or against the occupier; but without following due procedure prescribed in law the second respondent is interfering with his peaceful possession and enjoyment of the said house.

3. I am not inclined to express any opinion as to whether the said land is Government land and as to whether the landlord of the petitioner has any right, title over the said property. If any orders have been passed against the owner, the petitioner cannot have any grievance and the petitioner is not entitled to any notice to object his eviction.

4. However, without following the due process of law and without passing any orders either under the Andhra Pradesh Land Encroachment Act or under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, against the concerned person, the petitioner shall not be dispossessed and his hotel business shall not be interfered with.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V. ESWARAIAH, J

October 11, 2007

Note: Furnish C.C. of the order by 13.10.2007

DSK